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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,266	04/25/2001	Carl A. Gunter	53087-5001	5615
28977	7590	03/07/2005		EXAMINER
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			BAUM, RONALD	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/842,266	GUNTER ET AL.
	Examiner Ronald Baum	Art Unit 2136

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 12 October 2004.
2. Claims 1- 12 are pending for examination.
3. Claims 1- 12 remain rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamming et al, U.S. Patent 6,144,997.

5. As per claim 1; "A method for managing access to a service [Abstract, figure 1 and associated description, col. 1, line 16-col. 2, line 57], comprising the step of:

(A) delegating a permission to a delegatee by a delegator, wherein said permission is represented using a digital signature [col. 2, lines 6-57, col. 3, lines 36-58, col. 4, lines 43-66, col. 5, lines 45-col. 6, line 11, col. 6, lines 41-51, col. 7, lines 51-62, col. 8, lines 23-col. 9, line 29, col. 9, lines 66-col. 10, line 26, col. 10, lines 49-65, col. 11, lines 6-24];

wherein said permission comprises authority to
access the service and

delegate one or more further permissions to one or more subsequent delegates;
and

wherein at least one delegation of permission occurs over a personal area network while physical presence exists between the delegator and the delegatee [col. 7,lines 51-62, col. 8,lines 23-60 (“Mike and Richard” scenarios), figures 1,4,5 and associated descriptions].”;

Further, as per claim 7; this claim is the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

6. Claim 2 *additionally recites* the limitation that; “The method of claim 1 wherein said personal area network comprises

two or more devices that transmit data by infrared light waves.”.

The teachings of Lamming et al suggest such limitations (Abstract, figure 1 and associated description);

Further, as per claim 9; this claim is the system claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection.

7. Claim 3 *additionally recites* the limitation that; “The method of claim 1 wherein said personal area network comprises two or more devices that transmit data by digital short-range radio waves.”.

The teachings of Lamming et al suggest such limitations (col. 5,lines 30-44, col. 11,lines 25-col. 12,line 57);

Further, as per claim 10; this claim is the system claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8. Claim 4 *additionally recites* the limitation that; “The method of claim 1 further comprising the step of:

(B) delegating one or more of said further permissions to said one or more subsequent delegates via electronic mail.”.

The teachings of Lamming et al suggest such limitations (col. 2,lines 6-57, col. 3,lines 36-58, col. 4,lines 43-66, col. 5,lines 45-col. 6,line 11, col. 6,lines 41-51, col. 7,lines 51-62, col. 8,lines 23-col. 9,line 29, col. 9,lines 66-col. 10,line 26, col. 10,lines 49-65, col. 11,lines 6-24, whereas the “satchel” paradigm corresponds to the applicants email limitation as broadly interpreted by the examiner);

Further, as per claim 8; this claim is the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9. Claim 5 *additionally recites* the limitation that; “The method of claim 1 wherein said service comprises accessing content.”.

The teachings of Lamming et al suggest such limitations (col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 10,lines 25-42);

Further, as per claim 11; this claim is the system claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10. Claim 6 ***additionally recites*** the limitation that; “ The method of claim 1 wherein said service comprises actuating a device.”.

The teachings of Lamming et al suggest such limitations (col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 7,lines 8-22, col. 9,lines 30-42, col. 10,lines 25-42, col. 11,lines 32-col. 12,line 57);

Further, as per claim 12; this claim is the system claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

Response to Amendment

11. As per applicant’s argument concerning the lack of teaching by Lamming et al of “...delegating permission ... over a personal area network, ... using a digital signature ... permission ... authority to access the service and delegate ... permissions to ... delegates ... delegation of permission ... personal area network while physical presence ... delegator ... delegatee...”, the examiner has fully considered the arguments and finds them not to be persuasive. The use of the “... be encrypted using shared key technology which is known in the art ...” (i.e., see col. 10,lines 49-65) clearly encompasses the ‘digital signature’ aspects, as broadly interpreted by the examiner, in that the use of a ‘shared key’ would inherently constitute a ‘digital signature’ (i.e., between, at the least, 2 mutually authenticated communicating endpoints). Further, the *claim language reciting* the use of the phrase “permission is represented using a digital signature” clearly could, in the broadest interpretation, encompass the whole of the permission (i.e., the referencing token aspect) of data being read as a signature in of itself. Therefore, the claims *reciting claim language* specifically dealing with the phrase ‘...digital

signature ...' per se, is sufficiently broad such that the Lamming et al aspects of the shared key encryption system/methods, would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

The lack of *specificity in the independent claim language* as applied to the rejection aspects of the claim limitations dealing with "permission" similarly apply insofar as the permission is clearly, as broadly interpreted by the examiner, just an authorization to use/execute/inspect, etc., whereas Lamming et al clearly conveys such rights inherently by virtue of the fact that permitted data is transferred in the first place.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

13. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner

*GREGORY MORSE
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